

**Innovation in the Broadcast Bands ) ET Docket No. 10-235**  
**Allocations, Channel Sharing and Improvements)**  
**To VHF )**

<sup>3</sup> See *Connecting America: The National Broadband Plan*, Federal Communications Commission, Washington, DC (March 2010); available at <http://www.broadband.gov/plan/>. The *Plan* was developed by the Commission pursuant to the direction of Congress in the American Recovery and Reinvestment Act of 2009 (Recovery Act), see American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, 123 Stat. 115 (2009).

## II. COMMENTS

I fully support the FCC actions to proactively manage the communication needs of the American public. However, I believe the FCC has overlooked a significant, and a fairly recent, change in how consumers are obtaining their television entertainment and information needs that the implementation of the Repurposing Broadcast Television Spectrum NPRM would seriously impede to the detriment of all digital television consumers.

The transition from analog NTSC to digital ATSC broadcasting was completed less than 18 months ago, even today many stations are still implementing changes to fully exploit the full HDTV and multicasting capabilities of their ATSC channel. The full consumer benefits of ATSC have not had time to be fully utilized by the television broadcasters and as such the Repurposing of Broadcast Television Spectrum NPRM by the FCC is premature at the extreme.

Importantly, many television consumers are now actively “cord cutting” that is consumers are canceling cable and satellite pay television subscriptions and switching to over-the-air broadcast television and fixed broadband services for the delivery of their entertainment and information needs.

For the first time in reported US history the cable, telco and satellite subscription television providers collectively lost video subscribers. In fact they collectively lost 119,000 video subscribers during the third quarter of 2010, this is on top of the 216,000 subscribers lost during the second quarter of 2010. The loss of pay television subscribers<sup>4</sup>, or so called “cable cord cutters”, is now being linked to consumers switching to over-the-air HDTV<sup>5</sup> and fixed broadband for their entertainment and information needs.

As reported by Antennas Direct in their March 15, 2010 media release<sup>6</sup> antenna sales have continued to climb post the ATSC switch in 2009 as more consumers see the benefits free over-the-air television offers. Sales of television antennas by Antennas Direct alone are forecast to top 500,000 up from 389,00 in 2009, this is further empirical evidence of an embryonic ground swell of American “cable cord cutters” switching to over-the-air television.

By implementing the Repurposing Broadcast Television Spectrum NPRM, as it stands, the FCC would be removing the full availability of free HDTV and multicasting capabilities of over-the-air television from the same group, primarily low-income Americans, that the Plan requires the FCC to make affordable and accessible broadband access available to.

Increasingly television broadcasters are fully utilizing their 6MHz channel to provide a wide range of programming for their viewers. In most cases broadcasters are using their primary channel x.1 as the HDTV channel and the sub-channels x.2, x.3, and x.4 for additional SDTV network programming. Most of the not-for profit PBS stations are now providing current

<sup>4</sup>[http://www.bizjournals.com/phoenix/morning\\_call/2010/11/cable-tv-losing-customers.html](http://www.bizjournals.com/phoenix/morning_call/2010/11/cable-tv-losing-customers.html)

<sup>5</sup>[http://www.nytimes.com/2010/12/06/business/media/06rabbitears.html?\\_r=1&ref=todayspaper&pagewanted=all](http://www.nytimes.com/2010/12/06/business/media/06rabbitears.html?_r=1&ref=todayspaper&pagewanted=all)

<sup>6</sup> Press release from Antennas Direct of increasing television antenna sales in the US.

<http://www.antennasdirect.com/03-15-10-ota-viewership-continues-to-grow-in-2010.html>

affairs/news/documentary, educational/science, travel and cooking concurrently using all available channel spectrum i.e. all 4 channels. Similarly, many commercial broadcast television stations are now utilizing their sub-channels for movies, weather/news, sports and music and other content.

Implementing the Repurposing Broadcast Television Spectrum NPRM will severely reduce competition in the delivery of HDTV, multicasting content, development of datacasting and ATSC-M/H mobile television to American consumers. Furthermore, by implementing the Repurposing Broadcast Television Spectrum NPRM as it stands the FCC would be removing the future availability of additional free over-the-air television from the same group of low-income Americans that the Plan has identified for broadband assistance.

It is imperative to ensure the maximum competitive environment for television consumers that broadcast television services maintain the currently allocated frequency spectrum so as to provide a competitive balance against the cable, telco and satellite pay television providers. By implementing the Repurposing Broadcast Television Spectrum NPRM the FCC potentially forces over-the-air consumers back to having to subscribe to cable and satellite pay television services to obtain the same level of HDTV quality, and quantity of content, that they currently receive for free using over-the-air television.

To address the unproven *future* concern raised by the FCC in the Repurposing Broadcast Television Spectrum NPRM the FCC should instead develop regulatory requirements for cellular mobile/broadband providers to fully co-optimize their procured frequency spectrum so as to more efficiently utilize the available frequency spectrum and overall network capacity.

In the switch from NTSC to ATSC in 2009 the FCC “repurposed” channels 52 to 69 (698 MHz - 806 MHz), this is in addition to channels 70 to 83 (806 MHz - 890 Mhz) “repurposed” in 1983 for analog mobile phone services - all from the broadcast television *frequency spectrum apple*. The continually repurposing of broadcast television spectrum appears to be the FCC's *modus-operandi* to meet an objective to totally repurpose all UHF broadcast television spectrum for cellular mobile/broadband use. If that is indeed the FCC 's long-term objective then the FCC needs to seriously consider repurposing direct broadcasting satellite (DBS) spectrum now for the *future* to provide an equivalent national satellite free-to-air television service to replace the present over-the-air terrestrial service.

In conclusion, it is far too premature in the nascent development of ATSC and ATSC-M/H for the FCC to already be looking to take another bite at the broadcast television *frequency spectrum apple*.

Respectfully submitted,

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